

IN RE: PETITION FOR ADMIN. VARIANCE
SW/S Perry Ridge Court, 77' SE
of White Marsh Road
(3 Perry Ridge Court)
14th Election District
5th Councilmanic District
Alfred Pinkard
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-25-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Alfred Pinkard. The Petitioner requests relief from Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.), from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Sections V.B. 3 and 1B01.2.C.1 of the B.C.Z.R. to permit a window to property line setback of 11 feet in lieu of the required 15 feet, to permit a distance between buildings of 20 feet in lieu of the required 25 feet (between an existing dwelling and a proposed addition on the subject property), and to amend the 2nd Amended Final Development Plan for Lot 2 of the Richter Property to permit an existing dwelling and a proposed addition to be constructed outside of the building envelope, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that

the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of September, 1992 that the Petition for Administrative Variance requesting relief from Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.), from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Sections V.B. 3 and 1B01.2.C.1 of the B.C.Z.R. to permit a window to property line setback of 11 feet in lieu of the required 15 feet, to permit a distance between buildings of 20 feet in lieu of the required 25 feet (between an existing dwelling and a proposed addition on the subject property), and to amend the 2nd Amended Final Development Plan for Lot 2 of the Richter Property to permit an existing dwelling and a proposed addition to be constructed outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

- 2 -

reversed, the petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

September 4, 1992

(410) 887-4386

Mr. Alfred Pinkard
3 Perry Ridge Court
Rosedale, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SW/S Perry Ridge Court, 77' SE of White Marsh Road
(3 Perry Ridge Court)
14th Election District - 5th Councilmanic District
Alfred Pinkard - Petitioner
Case No. 93-25-A

Dear Mr. Pinkard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Patio Enclosures, Inc.
224 8th Avenue, N.W., Glen Burnie, Md. 21061

People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise. * See Attached B
4. A place to sit out and not be concerned with the weather, bugs, flies, mosquitoes, etc.
5. Improve appearance of house.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

XXXXXXXXXX Petitioner:

(Type or Print Name)

Signature

224 8th Avenue, N.W.

Glen Burnie, Md. 21061

XXXXXXXXXX Telephone Number: 760-1919

Legal Owner(s):

Alfred Pinkard

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3 Perry Ridge Court

Rosedale, Md. 21237

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Patio Enclosures, Inc.

224 8th Avenue, N. W.

Glen Burnie, Md. 21061

XXXXXXXXXX Telephone Number: 760-1919

ORDERED by the Zoning Commissioner of Baltimore County, this 26 day of July, 1992, that the subject matter of this petition be posted on the property on or before the 16 day of August, 1992.

LAWRENCE E. SCHMIDT
Zoning Commissioner of BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ORDER RECEIVED FOR FILING

Date 9/3/92

By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3 Perry Ridge Court

Rosedale, Md. 21237

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise. * See Attached B
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Alfred Pinkard

AFFIANT (Handwritten Signature)

Alfred Pinkard

AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of JULY, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ALFRED L. PINKARD

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the face of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/26/92

DATE

Notary Public

My Commission Expires: 2/1/94

V.B.6.b (CMOP) and S.504 (BCZR) and V.B. 3 and S.1B01.2.C.1 BCZR (1971 to March 1992 Regulations) to permit a window to property line setback of 11 ft. in lieu of the required 15 ft. and to permit a distance between building of 20 ft. in lieu of the required 25 ft. (between a proposed addition and an existing dwelling) and to amend the 2nd Amended Final Development Plan for lot #2 of the Richter Property to permit an existing dwelling and a proposed addition to be constructed outside of the building envelope.

ATTACHMENT B

Additional Hardship and Affinity
This Administrative Variance is
requested in lieu of the following
hardships:

1. The existing house purchased from the developer is non-conforming with less than a 20' rear set as indicated on the 2nd Amended FDP.

2. The existing rear yard set back is restrictive for any suitable addition.

93-25-A 28

LEGAL DESCRIPTION OF PROPERTY

Beginning on the South side of Perry Ridge Court, 50' wide at a distance of 77' East of the centerline of White Marsh Road. Being Lot 2 in the subdivision of (Perry's Choice) (Richter Property). Book 61, Folio 137. Also known as 3 Perry Ridge Court. In the 14th Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14374 Date of Posting: 8/14/92
Posted for: Alfred Pinkard
Petitioner: Alfred Pinkard
Location of property: 3 Perry Ridge Ct. (3) 77' x 16' x 16'
March Rd.
Location of Sign: Along Perry Ridge Court for front of lot
Remarks: _____
Posted by: [Signature] Date of return: 7/14/92
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: _____ Account: R-001-6150
Number: _____
7/28/92
PUBLIC HEARING FEES: _____
GLO - ZONING VARIANCE: _____
GLO - POSTING FEES: _____
LAST DATE OF PUBLIC HEARING: _____
104040089NCHRC
BA 012:38PM07:28 92
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

August 18, 1992 (410) 887-3353

Mr. Alfred Pinkard
3 Perry Ridge Court
Rosedale, MD 21237

RE: Item No. 28, Case No. 93-25-A
Petitioner: Alfred Pinkard
Petition for Residential Variance

Dear Mr. Pinkard:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 28th day of July, 1992

Received By:
Arnold Jablon
Director

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alfred Pinkard
Petitioner's Attorney:

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7760-92
JW

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Robert Conley* Date: 8/24/92

Project Name: Stonegate at Patapsco (Aerial Property)
File Number: 90476
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1
Theresa A. Mahlistedt NC 7-13-92
DED DEPRM RP STP TE

COUNT 2
Owings Run Apartments NC 7-20-92
DED DEPRM (SWM) (EIRP)

COUNT 3
Alfred Pinkard NC 8-10-92
DED DEPRM RP STP TE
Bee Tree Partnership NC
DED DEPRM RP STP TE
Albert F. Baumgart NC
DED DEPRM RP STP TE
Edith B. Ransom NC
DED DEPRM RP STP TE
Michael And Patricia A. Perholtz w/c
DED DEPRM RP STP TE
Charles C., Sr. And Patricia G. Chelbda N/C
DED DEPRM RP STP TE

COUNT 4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 11, 1992
Zoning Administration and Development Management

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
August 10, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Item No. 28, Alfred Pinkard
Item No. 30, Bee Tree Partnership
Item No. 31, Albert Baumgart
Item No. 32, Edith Ransom
Item No. 33, Michael and Patricia Perholtz
Item No. 34, Charles and Patricia Chelbda

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EM/FM/rdn

RECEIVED
AUG 25 1992
ZONING OFFICE

ITMS28.33/ZAC1

7703-92
JW

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *Robert Conley* Date: 8/24/92

Project Name: Stonegate at Patapsco (Aerial Property)
File Number: 90476
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1
Alfred Pinkard 28 N/C 8-10-92
DED DEPRM RP STP TE
Bee Tree Partnership 30 N/C
DED DEPRM RP STP TE
Albert F. Baumgart 31 N/C
DED DEPRM RP STP TE
Edith B. Ransom 32 N/C
DED DEPRM RP STP TE
Michael And Patricia A. Perholtz 33 w/c
DED DEPRM RP STP TE
Charles C., Sr. And Patricia G. Chelbda 34 N/C
DED DEPRM RP STP TE

COUNT 2
Colonial Village Company 19 w/c 8-3-92
DEPRM STP TE
Susan J. Blum 23 w/c
DEPRM STP TE

COUNT 3
FINAL TOTALS
COUNT 9

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

AUGUST 6, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALFRED PINKARD
Location: #3 PERRY RIDGE COURT
Item No.: #28 (JLL) Zoning Agenda: AUGUST 10, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Not Jerry* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

93-25-A 8-31

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Walter R.* Date: 8/31/92

Project Name: Alfred Pinkard
File Number: DEPRM RP
Zoning Issue: No Comment 28
Meeting Date: 8-10-92

Bee Tree Partnership No Comment 30
DED DEPRM RP
Albert F. Baumgart No Comment 31
DED DEPRM RP
Edith B. Ransom No Comment 32
DED DEPRM RP
Michael And Patricia A. Perholtz No Comment 33
DED DEPRM RP
Charles C., Sr. And Patricia G. Chelbda No Comment 34
DED DEPRM RP

COUNT 4
James And Linda Heier No Comment 35
DED DEPRM RP STP TE
Allan L. Snyder Et. Al. No Comment 36
DED DEPRM RP STP TE
Salvo Auto Parts No Comment 37
DED DEPRM RP STP TE
Adela M. Lombardi And Florence Kunsy No Comment 38
DED DEPRM RP STP TE
Helaine G. And Melvin R. Troesch No Comment 39
DED DEPRM RP STP TE
Baltimore Country Club of Baltimore City No Comment 40
DED DEPRM RP STP TE

93-25-A 8/31

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: *Walter R.* Date: 8/31/92

Project Name: Theresa A. Mahlistedt
File Number: DEPRM
Zoning Issue: No Comment 4
Meeting Date: 7-13-92 (Sent 8-11-92)

COUNT 1
Richard G. And Connie S. Rutherford 14 7-27-92 (Sent 8-4-92)
DED DEPRM
Owings Run Apartments 14 7-27-92 (Sent 8-4-92)
DED DEPRM (SWM) (EIRP) with remarks

COUNT 2
Eugene C. Salvo 18 7-27-92
DED DEPRM

COUNT 3
Alfred Pinkard 28 8-10-92
DED DEPRM NO COMMENTS
Bee Tree Partnership 30 In process
DED DEPRM
Albert F. Baumgart 31 In process
DED DEPRM
Edith B. Ransom 32 In process
DED DEPRM
Michael And Patricia A. Perholtz 33 In process
DED DEPRM

COUNT 5



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

FULLERTON

N E
8 F

98
93-25-A